

CASE NO.
CV18907202

D2 CM

SUMMONS NO.
37924702

Rule 4 (B) Ohio

Rules of Civil
Procedure

ANTONIO BAEZ
VS
QUENTIN JOHNSON, ET AL.

PLAINTIFF

DEFENDANT

SUMMONS

CITY OF CLEVELAND
BARBARA A. LANGENHENRY
601 LAKESIDE AVE, RM 106
CLEVELAND OH 44114-0000

Said answer is required to be served on:

Plaintiff's Attorney

JOHN J. GILL
124 MIDDLE AVE, SUITE 400
ELYRIA, OH 44035-0000

Case has been assigned to Judge:

NANCY A FUERST
Do not contact judge. Judge's name is given for
attorney's reference only.

You have been named defendant in a sums
complaint (copy attached hereto) filed in Cuyahoga
County Court of Common Pleas, Cuyahoga County
Justice Center, Cleveland, Ohio 44113, by the
plaintiff named herein.

You are hereby summoned and required to answer
the complaint within 28 days after service of this
summons upon you, exclusive of the day of service.

Said answer is required to be served on Plaintiff's
Attorney (Address denoted by arrow at left.)

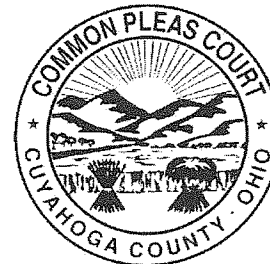
Your answer must also be filed with the court
within 3 days after service of said answer on
plaintiff's attorney.

If you fail to do so, judgment by default will be
rendered against you for the relief demanded in the
complaint.

NAILAH K. BYRD
Clerk of the Court of Common Pleas

Dorlene M. McKinley

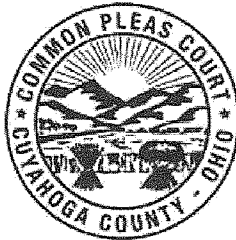
By _____
Deputy



DATE SENT
Feb 28, 2019

COMPLAINT FILED 11/19/2018





NAILAH K. BYRD
CUYAHOGA COUNTY CLERK OF COURTS
1200 Ontario Street
Cleveland, Ohio 44113

Court of Common Pleas

New Case Electronically Filed:
November 19, 2018 17:29

By: JOHN J. GILL 0084118

Confirmation Nbr. 1554988

ANTONIO BAEZ

CV 18 907202

vs.

QUENTIN JOHNSON, ET AL.

Judge: NANCY A. FUERST

Pages Filed: 5

IN THE COURT OF COMMON PLEAS
CIVIL DIVISION
CUYAHOGA COUNTY, OHIO

Antonio Baez
% Attorney John J. Gill
124 Middle Avenue, Suite 400
Elyria, Ohio 44035

PLAINTIFF

VS.

COMPLAINT

(with Jury Demand)

QUENTIN JOHNSON
CITY OF CLEVELAND
POLICE DEPARTMENT
1300 Ontario Street
Cleveland, Ohio 44113

AND

CITY OF CLEVELAND
% Barbara A. Langhenry, Law Director
601 Lakeside Avenue
Cleveland, Ohio 44114

DEFENDANTS

Parties, Jurisdiction, and Venue

1. Plaintiff Antonio Baez ("Plaintiff") is an individual residing in the County of Lorain and State of Ohio.
2. Upon information and belief, defendant Quentin Johnson is/was an employee of the police department for Cleveland, Ohio.

Complaint
Page 1 of 5

3. Defendant City of Cleveland is a city in Ohio. Both defendants are referred to collectively as "Defendants".
4. Events giving rise to this complaint occurred in Cuyahoga County, Ohio.

Facts Common to All Causes of Action

5. On or around January 18, 2018, an indictment was issued in the name of Plaintiff for the following five (5) felony counts:
 - 5.1. Rape – F1.
 - 5.2. Gross Sexual Imposition – F4.
 - 5.3. Kidnapping – F1
 - 5.4. Rape – F1
 - 5.5. Gross Sexual Imposition – F4.
 - 5.6. Kidnapping – F1.
6. Plaintiff is an employee of Cuyahoga County, Ohio.
7. The summons and indictment for Plaintiff were sent to his employer and received by his employer.
8. Plaintiff had no knowledge of this indictment until he was informed by another law enforcement agency that there was an active warrant for his arrest.
9. In February 2018, the Cuyahoga County Common Pleas Court dismissed the charges against Plaintiff on its own motion and sealed the record.
10. Upon information and belief, Plaintiff was racially profiled; an indictment was wrongfully issued against Plaintiff.
11. Instead of being sent to Plaintiff or any contact with Plaintiff whatsoever, the indictment and summons were instead sent to the employer of Plaintiff.
12. Plaintiff did not commit any of the offenses contained in the indictment and has no connection to the offenses alleged in the indictment.

**First Cause of Action
(Defamation)**

13. Plaintiff hereby incorporates by reference each and every allegation contained in the preceding paragraphs as if fully re-written, re-stated and re-averred herein.
14. On or around January 2018 to February 2018, Defendants sent documentation to Plaintiff's employer which identified criminal charges against Plaintiff which include allegations of rape of a minor.
15. The statements in the documents sent to Plaintiff's employer state, among other things, that Plaintiff committed rape and kidnapped a victim under the age of eighteen with sexual motivation.
16. The statements in the documents sent to Plaintiff's employer were false.
17. A proper investigation of this matter would have revealed that Plaintiff was not the individual in the indictment.
18. Plaintiff works at a school and the allegations against Plaintiff reflect poorly on Plaintiff's ability to perform job duties.
19. Defendants are liable for defamation because Defendants received and repeated the false statements to Plaintiff's employer.
20. The statements made against Plaintiff were made maliciously and with intent to harm Plaintiff.
21. As a direct and proximate result of the defamatory statements, Plaintiff sustained injuries and damages, past and future, which includes the following: humiliation; pain and suffering, including emotional distress; embarrassment; reputational damages; and lost wages and earning capacity.

**Second Cause of Action
(Violation of Civil Rights)**

22. Plaintiff hereby incorporates by reference each and every allegation contained in the preceding paragraphs as if fully re-written, re-stated and re-averred herein.
23. 42 U.S.C.A. §1983 state that “every person who, under color of any statute, ordinance, regulation, custom or usage, of any State *** subjects, or causes to be subjected, any citizen of the United States or other persons with the jurisdiction thereof to the deprivation of any rights, privileges, or amenities secured by the Constitution and law” is subject to liability.
24. Defendants acted under the color of law, statutes, ordinances, and regulations of the State of Ohio.
25. Defendants violated the rights of Plaintiff which include the following: to be free from unreasonable search and seizure; to be free from racial profiling and racial discrimination; to equal protection of the laws; to life, liberty, and property and not to be deprived of those rights without due process.
26. As a direct and proximate result of the acts and/or omissions of Defendants, Plaintiff sustained injuries and damages, past and future, which includes the following: humiliation; pain and suffering, including emotional distress; lost wages and earning capacity; and violations of constitutional rights.

**Third Cause of Action
(Malicious Prosecution)**

27. Plaintiff hereby incorporates by reference each and every allegation contained in the preceding paragraphs as if fully re-written, re-stated and re-averred herein.
28. Defendants initiated the criminal cases against Plaintiff without probable cause.
29. As a direct and proximate result of the acts and/or omissions of defendants, plaintiff sustained injuries and damages, past and future, which includes the

following: humiliation; pain and suffering, including emotional distress; lost wages and earning capacity; and violations of constitutional rights.

Plaintiff requests judgment against the Defendants in an amount in excess of \$25,000.00, under each cause of action, plus the costs of this litigation and attorney's fees; Plaintiff requests punitive damages due, in part, to the actual malice and intentional wrongdoing of Defendants; and Plaintiff further demands all other relief that the Court deems just and equitable.

Respectfully submitted:

/s/ John J. Gill
John J. Gill (0084118)
124 Middle Ave, #400, Elyria, OH 44035
phone: 440-915-5610, fax: 440-290-5966
ohioattorneygill@gmail.com
Attorney for Plaintiff

Jury Demand

Plaintiff hereby demands a trial by jury composed of the maximum number of jurors allowed by law on all claims which allow a trial by jury.

/s/ John J. Gill
John J. Gill (0084118)